

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY MALDONADO, JR.,)	No. C 07-05679 JF (PR)
)	
Petitioner,)	ORDER ADDRESSING NOTICE
)	OF APPEAL
vs.)	
)	
JUDGE STEVEN R. SANDERS, et al.,)	
)	
Respondents.)	
)	

On February 4, 2008, the Court dismissed the instant habeas action without prejudice for Petitioner's failure to pay the filing fee or file a completed in forma pauperis application. On March 4, 2008, Petitioner filed a notice of appeal. Since the matter was dismissed without prejudice, the Court will construe the notice of appeal as a motion for reconsideration under Federal Rule of Civil Procedure 60(b)(6).

In the interest of justice, Petitioner is granted **thirty (30) days** from the date this order is filed to either pay the full \$5.00 filing fee or file a complete in forma pauperis application. Petitioner is warned that an application will be deficient if it does not include a Certificate of Funds in Prisoner's Account *completed and signed by an authorized officer at the prison* and a copy of Petitioner's prisoner trust account statement showing transactions for the last six months.

1 The Court will order the action reopened upon receiving proof that the filing fee
2 has been paid or Petitioner filing a complete in forma pauperis application in the time
3 provided.

4 The clerk shall enclose two copies of the court's In Forma Pauperis Application
5 with a copy of this order to Petitioner.

6 IT IS SO ORDERED.

7 DATED: 10/22/09


JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY MALDONADO JR,
Petitioner,

Case Number: CV07-05679 JF

CERTIFICATE OF SERVICE

v.

STEVEN R SANDERS, et al.,
Respondents.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/4/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carmen Roy Maldonado T-72346
PO Box 2790
Salinas, CA 93902

Dated: 11/4/09

Richard W. Wieking, Clerk